Exhibit GG

Cause # 1:22-CB-80-JMS-DLP

73 Am. Jur. 2d Summary Judgment § 3

American Jurisprudence, Second Edition | November 2021 Update

Summary Judgment
Karl Oakes, J.D.

I. In General

§ 3. Validity of statutory and rule provisions

Topic Summary | Correlation Table | References

West's Key Number Digest

West's Key Number Digest, Judgment 179

Statutes and rules providing for summary judgment under reasonable conditions and procedures have generally been held constitutional.[1] For example, statutes or rules authorizing a summary judgment upon the failure of a defendant to file an affidavit of merits and defense[2] have been held valid.[3] A summary judgment procedure practically identical with that prescribed by the federal summary judgment rule, Fed. R. Civ. P. 56, has been held not to infringe the constitutional right of a party to a trial by jury.[4]

The fact that external circumstances may prevent a defendant from availing himself or herself the opportunity to defend does not make a summary judgment law unconstitutional as denying due process.[5]

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Footnotes

1 Bank of America Nat. Trust & Savings Ass'n v. Oil Well Supply Co. of California, 12 Cal. App. 2d 265, 55 P.2d 885 (2d Dist. 1936); People's Wayne County Bank v. Wolverine Box Co., 250 Mich. 273, 230 N.W. 170, 69 A.L.R. 1024 (1930).

2 Diversey Liquidating Corp. v. Neunkirchen, 370 Ill. 523, 19 N.E.2d 363, 120 A.L.R. 1395 (1939); People's Wayne County Bank v. Wolverine Box Co., 250 Mich. 273, 230 N.W. 170, 69 A.L.R. 1024 (1930).

3 People's Wayne County Bank v. Wolverine Box Co., 250 Mich. 273, 230 N.W. 170, 69 A.L.R. 1024 (1930).

4 Petros v. Kellas, 146 W. Va. 619, 122 S.E.2d 177 (1961).

5 Am. Jur. 2d, Constitutional Law § 1006.

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